

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Seattle
FILE NUMBER: 200501447

REGULATORY PROJECT MANAGER: Tim Erkel **Date:** 1-17-06

PROJECT REVIEW/DETERMINATION COMPLETED: **In the office** **Date:**
At the project site X **Date:** 1-17-06

PROJECT LOCATION INFORMATION:
State: Washington
County: Spokane
Center coordinates of site by latitude & longitudinal coordinates: 47 39 31/117 23 57
Approximate size of site/property (including uplands & in acres): .06 acres
Name of waterway or watershed: Spokane River

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									
Detention Ponds									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?		X			
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: **Preliminary** **Or** **Approved** X.

ADDITIONAL INFORMATION SUPPORTING NJD: The wetland appears to be the result of storm water run-off that is trapped in a depression by the existing railroad berm. There is no other surface water in the area, and even if the railroad berm was not there, the wetland would not have a surface connection to any water of the U.S.